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QUO VAT ESTELL

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**QUO VAT ESTELL,**

**Plaintiff,**

**vs.**

**JOHN MCHUGH, Secretary, U.S.  
ARMY,**

**Defendant.**

Case No.:

**COMPLAINT FOR DAMAGES**

1. Interference with Family Leave Act (FMLA) Rights

**COMPLAINT**

Plaintiff QUO VAT ESTELL, by and through her attorney, Maureen E. McFadden of Law Offices of Maureen E. McFadden, complains against defendant JOHN KERRY, Secretary, U.S. Army, as follows:

**JURISDICTION, VENUE AND JURY DEMAND**

1. Plaintiff invokes the jurisdiction of this Court pursuant to 28 U.S.C. § 1331 and 29 U.S.C. 2615(a)-(b).

1           2.     Plaintiff demands a trial by jury.

2           3.     The acts complained of herein occurred within 2 years of the filing of  
3 this complaint, so that this action is timely.

4           4.     Venue is proper in the Northern District of California, San Francisco  
5 Division, as the alleged acts occurred in San Francisco.

6                               **THE PARTIES**

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9           5.     Plaintiff Quo Vat Estell is an African-American female. Plaintiff is  
10 and was a resident of Alameda County, California at all times relevant hereto.

11           6.     Defendant, John McHugh, is Secretary of the U.S. Army, and was  
12 plaintiff's employer as to the claims alleged herein.

13                               **CLAIM ONE – INTERFERENCE WITH FMLA RIGHTS**

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15           7.     Plaintiff incorporates by reference the allegations of paragraphs 1-6  
16 above.

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18           8.     Plaintiff is currently employed as a Human Resources Assistant for  
19 the U.S. Army, and has held this position for many years.

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21           9.     In 2012-2013, plaintiff was eligible for FMLA leave for both her own  
22 and her mother's serious health conditions. Defendant knew she was eligible for  
23 such leave because of discussions between plaintiff and her supervisors and  
24 doctors' notes supplied by plaintiff.  
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1           10.    The U.S. Army was an employer subject to the requirements of the  
2 FMLA, and it had a legal duty not to interfere with plaintiff's rights under the Act.

3           11.    Defendants violated FMLA and interfered with plaintiff's rights under  
4 the Act by, among other things:  
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6               a.    Failing to provide timely notice to plaintiff of her rights under  
7 the Act;  
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9               b.    Disciplining plaintiff for taking time off, despite the fact that  
10 the time at issue was entitled to protection under FMLA.

11               c.    Criticizing plaintiff for taking protected time off; and  
12

13               d.    Making adverse employment decisions about plaintiff based in  
14 whole or part on her use of FMLA.  
15

16           12.    Because of defendant's conduct, plaintiff has suffered loss of wages,  
17 employment benefits, and other economic damages.

18           13.    In addition, plaintiff has suffered mental anguish and emotional  
19 distress and is entitled to an award of compensatory damages.  
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21           14.    Plaintiff is also entitled to reasonable attorneys' fees and her costs of  
22 suit.  
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1 WHEREFORE, plaintiff QuoVat Estell prays that this Court enter judgment  
2 in her favor and against defendant and award the following relief:

- 3 a. Damages for loss of wages and benefits;  
4  
5 b. Damages for emotional distress;  
6  
7 c. Reasonable attorneys' fees and costs of suit; and  
8  
9 d. Any other and further relief as this Court deems just.

10 DATED: September 22, 2015 LAW OFFICES OF MAUREEN E. MCFADDEN

11  
12 By: \_\_\_\_\_  
13 Maureen E. McFadden

14 Attorneys for Plaintiff  
15 QUO VAT ESTELL  
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